

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1043 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-12-3.5-2, AS AMENDED BY P.L.116-1999,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]: Sec. 2. (a) Police officers appointed under this chapter
- 5 have general police powers including the power to arrest, without
- 6 process, all persons who within their view commit any offense. They
- 7 have the same common law and statutory powers, privileges, and
- 8 immunities as sheriffs and constables, except that they are empowered
- 9 to serve civil process only to the extent authorized by the employing
- 10 governing board; however, any powers may be expressly forbidden
- 11 them by the governing board of the institution employing them. In
- 12 addition to any other powers or duties, such police officers have the
- 13 duty to enforce and to assist the officials of their institutions in the
- 14 enforcement of the rules and regulations of the institution, and to assist
- 15 and cooperate with other law enforcement agencies and officers.
- 16 (b) Such police officers may exercise the powers granted under this
- 17 section only upon any real property owned or occupied by their
- 18 institutions, including the streets passing through and adjacent thereto.
- 19 Additional jurisdiction may be established by agreement with the chief
- 20 of police of the municipality or sheriff of the county or the appropriate
- 21 law enforcement agency where the property is located, dependent upon
- 22 the jurisdiction involved.
- 23 (c) When an eligible police officer retires after at least twenty (20)
- 24 years of service, the police officer may retain the officer's service

1 weapon. The officer is entitled to receive, in recognition of the service
 2 to the department and the public, a badge that indicates that the officer
 3 is retired. Upon retirement, the department shall issue to the police
 4 officer an identification card that states the police officer's name and
 5 rank at retirement, states the officer's retired status, and notes the
 6 officer's authority to retain the service weapon. A police officer
 7 described in this subsection is entitled to a lifetime license to carry a
 8 handgun under ~~IC 35-47-2-3(e)~~; **IC 35-47-2-3(f)**.

9 SECTION 2. IC 35-47-2-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A person desiring
 11 a license to carry a handgun shall apply:

- 12 (1) to the chief of police or corresponding law enforcement officer
 13 of the municipality in which he resides;
- 14 (2) if that municipality has no such officer, or if the applicant does
 15 not reside in a municipality, to the sheriff of the county in which
 16 he resides after he has obtained an application form prescribed by
 17 the superintendent; or
- 18 (3) if he is a resident of another state and has a regular place of
 19 business or employment in Indiana, to the sheriff of the county in
 20 which he has a regular place of business or employment.

21 (b) The law enforcement agency which accepts an application for a
 22 handgun license shall collect a ten dollar (\$10) application fee, five
 23 dollars (\$5) of which shall be refunded if the license is not issued.
 24 Except as provided in subsection ~~(g)~~; **(h)**, the fee shall be:

- 25 (1) deposited into the law enforcement agency's firearms training
 26 fund or other appropriate training activities fund; and
- 27 (2) used by the agency for the purpose of:
 - 28 (A) training law enforcement officers in the proper use of
 29 firearms or other law enforcement duties; or
 - 30 (B) purchasing for the law enforcement officers employed by
 31 the law enforcement agency firearms, or firearm related
 32 equipment, or both.

33 The state board of accounts shall establish rules for the proper
 34 accounting and expenditure of funds collected under this subsection.

35 **(c) The law enforcement agency that receives and accepts an**
 36 **application for a handgun license shall provide the applicant with**
 37 **relevant information concerning handgun safety that is provided**
 38 **to the law enforcement agency by the superintendent. The law**
 39 **enforcement agency shall provide the information to the applicant**
 40 **before the application is forwarded to the superintendent under**
 41 **subsection (d).**

42 **(d)** The officer to whom the application is made shall ascertain
 43 concerning the applicant his name, full address, length of residence in
 44 the community, whether his residence is located within the limits of
 45 any city or town, occupation, place of business or employment,
 46 criminal record, if any, and convictions (minor traffic offenses

excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether his license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with his recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

~~(d)~~ (e) The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with his complete and specific reasons, in writing, for the recommendation of disapproval.

~~(e)~~ (f) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, he shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

~~(f)~~ (g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the

1 specific offense charged or if the charges for the specific offense are
 2 dismissed. The superintendent shall prescribe all forms to be used in
 3 connection with the administration of this chapter.

4 ~~(g)~~ **(h)** If the law enforcement agency that charges a fee under
 5 subsection (b) is a city or town law enforcement agency, the fee shall
 6 be deposited in the law enforcement continuing education fund
 7 established under IC 5-2-8-2.

8 SECTION 3. IC 35-47-2-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The
 10 superintendent may suspend or revoke any license issued under this
 11 chapter if he has reasonable grounds to believe that the person's license
 12 should be suspended or revoked.

13 (b) Documented evidence that a person is not a "proper person" to
 14 be licensed as defined by IC 35-47-1-7, or is prohibited under section
 15 ~~3(f)(4)~~ **3(g)(4)** of this chapter from being issued a license, shall be
 16 grounds for immediate suspension or revocation of a license previously
 17 issued under this chapter. However, if a license is suspended or
 18 revoked based solely on an arrest under section ~~3(f)(4)~~ **3(g)(4)** of this
 19 chapter, the license shall be reinstated upon the acquittal of the
 20 defendant in that case or upon the dismissal of the charges for the
 21 specific offense.

22 (c) A person who fails to promptly return his license after written
 23 notice of suspension or revocation commits a Class A misdemeanor.
 24 The observation of a handgun license in the possession of a person
 25 whose license has been suspended or revoked constitutes a sufficient
 26 basis for the arrest of that person for violation of this subsection.

27 (d) The superintendent shall establish rules under IC 4-22-2
 28 concerning the procedure for suspending or revoking a person's license.

(Reference is to HB 1043 as printed February 22, 2001.)

Representative Smith V